

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MICHAEL BUSH,)	
<i>Plaintiff,</i>)	
)	
vs.)	C.A. NO. 1:21-cv-12039-IT
)	
ACTON-BOXBOROUGH REGIONAL)	
SCHOOL DISTRICT and PETER LIGHT,)	
Superintendent of the Acton-Boxborough)	
Regional School District,)	
<i>Defendants.</i>)	

**MOTION OF DEFENDANTS TO DISMISS
PLAINTIFFS' COMPLAINT UNDER RULE 12(b)(6)**

The defendants, Acton-Boxborough Regional School District (“ABRSD”) and Superintendent Peter Light, hereby move to dismiss plaintiff’s Complaint under Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state claims upon which relief can be granted. As grounds therefor, the defendants state:

1. The plaintiff fails to state a claim for relief under Title II of the Americans with Disabilities Act, 42 U.S.C. §§ 12131, *et seq.* (Counts I & II).
2. The plaintiff fails to state a claim for relief under the Equal Protection Clause of the Fourteenth Amendment, 42 U.S.C. § 1983 (Count III).
3. The plaintiff fails to state a claim for relief for the violation of his rights of freedom of association under the First Amendment, 42 U.S.C. § 1983 (Count III).
4. The plaintiff fails to state claims for relief for civil rights conspiracy under 42 U.S.C. §§ 1983 & 1985 (Count III).
5. The plaintiff fails to state a claim for relief against Superintendent Peter Light in his individual capacity under Title II of the Americans with Disabilities Act, 42 U.S.C. §§ 12131, *et seq.* (Counts I & II).

6. The defendant, Superintendent Peter Light, is entitled to qualified immunity in his individual capacity under 42 U.S.C. § 1983 (Count III).

Defendants hereby submit the enclosed Memorandum of Law in support of their Motion to Dismiss plaintiff's Complaint Under Rule 12(b)(6). A true and accurate copy of ABRSD School Committee Policy EBCFA is attached hereto as Exhibit "A."

WHEREFORE, the defendants, Acton-Boxborough Regional School District and Superintendent Peter Light, respectfully request that this Honorable Court dismiss plaintiff's Complaint for failure to state claims upon which relief can be granted. Fed. R. Civ. P. 12(b)(6).

REQUEST FOR ORAL ARGUMENT

The defendants respectfully request that this Honorable Court schedule oral argument on their Motion to Dismiss Plaintiff's Complaint Under Rule 12(b)(6).

Respectfully submitted,

The Defendants,

ACTON-BOXBOROUGH REGIONAL SCHOOL
DISTRICT and SUPERINTENDENT PETER LIGHT,

By their Attorneys,

PIERCE DAVIS & PERRITANO LLP

/s/ John J. Davis

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Dated: February 16, 2022

LOCAL RULE 7.1 CERTIFICATE

I hereby certify, pursuant to Local Rule 7.1(A)(2), that on February 16, 2022, I conferred in good faith with counsel for the plaintiff by telephone in an effort to resolve or narrow the issues regarding defendants' Motion to Dismiss Plaintiff's Complaint Under Rule 12(b)(6).

/s/ John J. Davis

John J. Davis, Esq.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing, filed through the Electronic Case Filing System, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and that a paper copy shall be served upon those indicated as non-registered participants on February 16, 2022.

/s/ John J. Davis

John J. Davis, Esq.